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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,327	11/30/2001	Matthew Israel Wasserman	7627	9924

27752 7590 09/30/2003

THE PROCTER & GAMBLE COMPANY
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EXAMINER

EINSMANN, MARGARET V

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/980,327	WASSERMAN ET AL.	
	Examiner	Art Unit	
	Margaret Einsmann	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on ____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) 13-31 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ☐ Claim(s) ____ is/are allowed.

6) ☐ Claim(s) 13-16, 21 and 25-31 is/are rejected.

7) ☐ Claim(s) 19, 20, 22 and 24 is/are objected to.

8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. ____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____	6) <input type="checkbox"/> Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-15, 17, 18, 21, 25, 26, 27, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akkermans et al., US 6,056,905. Akkermans discloses a process of forming a granulated detergent product by the use of a gas fluidisation granulator which is operated at a flux number of 2-3 to 4.5 as claimed in claims 13-15 and 29. In said process a fluidized particulate solid is sprayed with a spray of liquid binder. See col 5 lines 6-10, lines 61-65, col 6 lines 1-5. In one variant of the process, a solid starting material is granulated in a mixer with a first portion of a liquid binder in a low, moderate or high shear mixer (a pre-mixer) to form a partially granulated material (an agglomerating step and then a second portion of a binder is sprayed in a gas fluidization granulator. See col 9 lines 54- 67. A layering agent or flow agent may be introduced at any appropriate stage. These are fine particles and may be chosen from silicates, carbonates, aluminosilicates, etc, meeting the limitation of claims 26-27. The liquid binder which is sprayed onto the granulated mixture in the fluidization granulator may include anionic surfactants, (Col 9 lines 14 et seq.) inorganic builder salts and other adjunct detergent ingredients. (col 9 lines 40 et seq.).

The reference differs from the claims in not stating that the binder which is sprayed on in the process of Akkermans is a coating agent. It would have been obvious to the skilled artisan that applicant uses the same process as in the reference, that is spraying a binder onto partially agglomerated detergent particle and drying in a fluidization granulator at flux number of 2.3 to 4.5. Accordingly the process as disclosed by Akkermans forms the same coating on the detergent particles as applicant's process absent evidence to the contrary.

Claims 16 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akkermans et al. as applied to the claims above, and further in view of Achanta, WO 99/03964. Akkermans et al is relied upon as set forth in the above rejection. He does not however teach that the fluidization granulator is operated at a particular Stokes Number. It would have been obvious to the skilled artisan who wants to produce a high density detergent to operate the fluidization granulator at a Stokes Number of greater than one because Achanta teaches that the density of the detergent may be regulated by operating the fluidization granulator at a selected Stokes Number, and in order to achieve a high density detergent, one uses a Stokes Number of greater than one. See page 3 Summary of the Invention.


Allowable Subject Matter

Claims 19, 20, 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 703-308-3826. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Margaret Einsmann
Primary Examiner
Art Unit 1751

September 19, 2003